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EXAMINER
THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 January 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13,26-30,50-58,66-70,77-121_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13,26-30,50-58,66-70 and 77-121_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 January 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action (see Paper No. 7), or will be included here for clarity, as

necessary. The text of those sections of Title 35, U.S. Code not otherwise provided in a

prior Office action will be included in this action where appropriate.

2.   This action is responsive to the amendment A (see Paper #8) filed 01/20/2004

that cancelled claims 14-25, 31-49, 59-65, and 71-76, and added new claims 77-121.

Claims 1-13, 26-30, 50-58, 66-70, and 77-121 are pending.

3.   Claims 1-13, 26-30, 50-58, 66-70, and 77-121 have been examined.

Drawings

4.   Examiner acknowledges the formal drawings received in Paper #8 from

applicants.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

6.   Claims 103, 105-106, 108-109, 111-112, 114, and 115-116 are rejected under 35

U.S.C. 102(e) as being anticipated by O'Neil et al. (U.S. Patent No. 5,987,440).

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line

group-buying sale having one or more featured items in the disclosure of its networked

Trusted Electronic Communities. Specifically, this invention facilitates the formation and

use of networked Trusted Electronic Communities, hereafter referred to as E-Metro

communities, where each E-Metro community comprises several members meeting

common admission requirements. Preferably, it is the E-metro community that sets

registration rules and verifies member identity itself or facilitates the use of other trusted

Certificate Authorities. The informational identity of each member is encapsulated

within the E-metro community as electronic personal information agents, hereafter

referred to as E-PIAs, with each E-PIA representing a member's information and

behavior, with some of the information supplied by each member and some of the

information coming from trusted sources external to the member's E-metro Community.

(col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as

buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context.

The E-Broker handles various public services and interactions directly on behalf of the

E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Examiner will not necessarily repeat this data in the rejection of specific claims

below, but it is to be understood that this referenced data is encompassed as needed in

the following rejection.

Claims 103, 109, 115.   O'Neil teaches:

-       displaying a description of a product offered in the online group-buying sale

provided by the on-line group-buying commerce system (col. 33 line 26 – col. 34 line

36);

-       receiving a selection indicating an offer to purchase the product (col. 33 line 26 –

col. 34 line 36);

-       displaying real-time messages sent by buyers and a seller related to the product

(col. 33 lines 61-65); and

-       receiving a message related to the product to be displayed through an input

interface (col. 34 lines 34-36).

Claims 105, 111.   O'Neil does not explicitly teach displaying a demand curve

generated based on offers for the product. However, O'Neil does teach *Some*

Advertisers may desire to display real-time information in the ProductInfo Runnable

such as the current quantity ordered and the total quantity desired (col. 34 lines 34-36).

This disclosure encompasses applicants' claimed aspect.

Claims 106, 112.   O'Neil teaches displaying a summary of online group-buying offers

for the product (col. 34 lines 34-36).

Claims 108, 114.   O'Neil teaches receiving a selection indicating a request from a

buyer to communicate directly with the seller (col. 10 lines 56-60; col. 23 lines 17-21;

col. 25 lines 15-34).

Claim 116.   O'Neil teaches:

-        displaying real-time messages sent by buyers and a seller related to the product

(col. 33 lines 61-65); and

-        receiving a message related to the product to be displayed through an input

interface (col. 34 lines 34-36).

O'Neil does not explicitly teach displaying a demand curve generated based on

offers for the product. However, O'Neil does teach *Some Advertisers may desire to*

display real-time information in the ProductInfo Runnable such as the current quantity

ordered and the total quantity desired (col. 34 lines 34-36). This disclosure

encompasses applicants' claimed aspect.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

9.   Claims 1-5, 7-13, 26-30, 50-51, 54, 56-58, 66-67, 70, 77-78, 83, 88, 93, and 117-

118 are rejected under 35 U.S.C. 103(a) as being obvious over O'Neil et al. (U.S.

Patent No. 5,987,440), and further in view of Halbert et al. (U.S. Patent No. 6,101,484).

10.   The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome

by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not an

invention "by another"; (2) a showing of a date of invention for the claimed subject

matter of the application which corresponds to subject matter disclosed but not claimed

in the reference, prior to the effective U.S. filing date of the reference under 37 CFR

1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and

reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and use of networked Trusted Electronic Communities, hereafter referred to as E-Metro communities, where each E-Metro community comprises several members meeting common admission requirements. Preferably, it is the E-metro community that sets registration rules and verifies member identity itself or facilitates the use of other trusted Certificate Authorities. The informational identity of each member is encapsulated within the E-metro community as electronic personal information agents, hereafter referred to as E-PIAs, with each E-PIA representing a member's information and behavior, with some of the information supplied by each member and some of the information coming from trusted sources external to the member's E-metro Community. (col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as

buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context.

The E-Broker handles various public services and interactions directly on behalf of the

E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Halbert et al. presents a dynamic market equilibrium management system that is

especially adapted for the sale of goods and services through an online buying group

(referred to herein as a "co-op`) formed for the specific purpose of purchasing a

particular product at (102) by defining a start time, end time, critical mass, any minimum

number of units offered, any maximum number of units offered, starting price and

product cost curve. As data is gathered from buyers, by means of their making binding

purchase offers, the co-op is modified at (108) using the market equilibrium manager,

so as to take into account market forces such as supply and demand for the item to be

sold and their interrelationship with the purchase price for such item.

Examiner will not necessarily repeat this data in the rejection of specific claims

below, but it is to be understood that this referenced data is encompassed as needed in

the following rejection.

Claims 1, 2, 8, 9, 10, 11, 26, 27, 28, 30, 50, 51, 54, 56, 57, 58, 66, 67, 68, 70, 77, 78,

83, 88, 93, 118:   O'Neil teaches:

-       the functionality of receiving the buyers in a negotiating room associated with an

on-line group-buying sale having one or more featured items in the disclosure of its

networked Trusted Electronic Communities. Specifically, this invention facilitates the

formation and use of networked Trusted Electronic Communities, hereafter referred to

as E-Metro communities, where each E-Metro community comprises several members

meeting common admission requirements. Preferably, it is the E-metro community that

sets registration rules and verifies member identity itself or facilitates the use of other

trusted Certificate Authorities. The informational identity of each member is

encapsulated within the E-metro community as electronic personal information agents,

hereafter referred to as E-PIAs, with each E-PIA representing a member's information

and behavior, with some of the information supplied by each member and some of the

information coming from trusted sources external to the member's E-metro Community.

(col. 2 lines 2-33)

-         Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as

buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context.

The E-Broker handles various public services and interactions directly on behalf of the

E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

-         receiving an initial price for the featured item from the first seller (col. 25 lines 15-

40);

-         initiating the on-line group-buying sale for the first featured item after receiving

the initial price from the first seller (col. 2 lines 54-62; col. 11 lines 50-52; col. 25 lines

15-40);

-         transmitting communications from the buyers to the first seller via the negotiating

room, wherein at least some of the communications contain offers for the first featured

item (col. 8 lines 60-67);

-       receiving a modified price for the first featured item from the first seller (col. 34

lines 26-33);

-       conducting a second on-line group-buying sale of the featured item using the

sale demand curve (col. 34 lines 26-36); and

-       transmitting the seller response to the buyer (col. 34 lines 26-38).

O'Neil' s disclosures encompass one or more featured items from each one of

one or more sellers for one or more on-line group buying sales through the functionality

of the E-PIAs, for the activities of selling and buying products or items. The functionality

of O'Neil's disclosure applies for the consideration of repetitive steps to provide

consideration for changing prices for a first or a second or any number of products (or

services) and multiple iterations of these. Therefore, O'Neil discloses applicant's

aspects of a second featured item (or a third or more) and a second on-line group-

buying sale (or third or more).

O'Neil does not explicitly teach producing a first flash demand curve for the first

featured item using the offers for the first featured item, nor providing the first flash

demand curve to the first seller. However, Halbert et al. teaches *Merchandising staff*

inputs utilizing a market equilibrium manager are received to establish a price curve for

the product in the on-line buying co-op by utilizing the price and quantity data for the

product in the database (col. 5 lines 38-41). Therefore, it would have been obvious to

one skilled in the art at the time the invention was made to modify the teaching of O'Neil

to explicitly produce a first flash demand curve for the first featured item using the offers

for the first featured item, and provide the first flash demand curve to the first seller, as

taught by Halbert et al., for the motivation of determining and portraying to users the price and cumulative number of offers received at or below each price to encourage additional participation.

Claim 3.   O'Neil discloses:

-       receiving a communication from a buyer of the buyers that contains an offer for the first featured item (col. 25 lines 15-40); and

-       receiving a communication from the same buyer that contains an offer for the second featured item (col. 7 lines 59-61; col. 25 lines 15-40).

Claim 4.   O'Neil discloses the first flash demand curve indicates that the buyer has also made an offer for the second featured item (col. 34 lines 34-36), through the disclosure of displaying the current quantity ordered.

Claims 5, 69. O'Neil discloses receiving an instruction from the first seller that modifies the featured item in the on-line group-buying sale to include at least one additional product/service in the disclosure of:

-       a means for sellers to advertise a desire to trade (col. 25 lines 35-37), where the functionality of O'Neil encompasses advertising more than one product for sale and modifying the advertisement to include more than one product (col. 11 line 55 - col. 10 line 11; col. 27 lines 15-17); and

-       a seller or buyer has decided that it won't trade unless it can trade a certain

quantity of goods or services (col. 25 lines 52-54) which encompasses the aspect of

multiple products group for sale.

Claims 7.   O'Neil discloses receiving an instruction from the first seller to close the

on-line group buying sale (col. 34 lines 15-25).

Claim 12.   O'Neil discloses:

-       the first on-line group-buying sale includes a second seller and a second featured

item (col. 26 lines 1-6), and

-       providing at least one communication between the buyers and the second seller

to the first seller (col. 15 line 54 – col. 16 line 6).

Claims 13.   O'Neil does not explicitly disclose storing the at least one flash demand

curve in a data repository. However, O'Neil does store orders received from buyers in a

database. However, Halbert et al. teaches storing the at least one flash demand curve

in a data repository (col. 5 lines 31-41), through the use of the price and quantity data of

buyers stored in a database to establish a price curve for the product. Therefore, it

would have been obvious to one skilled in the art at the time the invention was made to

modify the invention of O'Neil to explicitly store the at least one flash demand curve in a

data repository, as taught by Halbert et al., for the motivation of storing data that

identifies and tabulates the buyer demand for a product.

Claim 29.   O'Neil does not explicitly disclose the flash demand curve is constructed

by plotting received offers on a graph according to price and cumulative number of

offers received at or below each price. However, Halbert et al. teaches *Merchandising*

staff inputs utilizing a market equilibrium manager are received to establish a price

curve for the product in the on-line buying co-op by utilizing the price and quantity data

for the product in the database (col. 5 lines 38-41). Therefore, it would have been

obvious to one skilled in the art at the time the invention was made to modify the

teaching of O'Neil to explicitly construct the flash demand curve by plotting received

offers on a graph according to price and cumulative number of offers received at or

below each price, as taught by Halbert et al., for the motivation of determining and

portraying to users the price and cumulative number of offers received at or below each

price to encourage additional participation.

Claims 80, 90, 120. O'Neil teaches the commerce server is further adapted to receive

an acceptance of the on-line group-buying offer at a price and to transmit the

acceptance at the price to the buyer (col. 29 lines 28-37). Additionally, O'Neil teaches

displaying the current bid and any other real-time

parameters of the auction that are deemed necessary to present to a shopper (col. 33

lines 61-65). Therefore, O'Neil's teachings encompass applicant's claimed aspect of

the commerce server is further adapted to receive an acceptance of the on-line group-

buying offer at a price and to transmit the acceptance at the price to the display

interface to be displayed to all buyers accessing the display interface.

Claim 83, 93. O'Neil does not explicitly teach the display interface is further adapted to

display a curve for the product generated based on on-line group-buying offers made for

the product. However, O'Neil does teach *Some Advertisers may desire to display real-*

time information in the ProductInfo Runnable such as the current quantity ordered and

the total quantity desired (col. 34 lines 34-36). This disclosure encompasses applicant's

claimed aspect.

Claim 86, 96. O'Neil does not explicitly teach the display interface is further adapted to

display a table containing a plurality of prices of the product associated with a plurality

of quantities of the product. However, O'Neil does teach:

-        *Some Advertisers may desire to display real-time information in the ProductInfo*

Runnable such as the current quantity ordered and the total quantity desired (col. 34

lines 34-36).

-        *The ProductInfo Runnable should not only advertise product information as is*

done normally, but should also display the current bid and any other real-time

parameters of the auction that are deemed necessary to present to a shopper (col. 33

lines 61-65), which encompasses multiple prices based on the quantities purchased.

        These disclosures encompass applicants' claimed aspect.

Claim 87, 117.   O'Neil teaches:

- storing product information for a plurality of products offered in on-line group-buying sales (col. 27 line 64 – col. 28 line 24);

- receiving and displaying messages from buyers and a seller about a product offered in the on-line group-buying sale (col. 8 lines 60-67; col. 34 lines 26-33);

- displaying product information about the product concurrently with the messages from buyers and the seller (col. 29 lines 28-37; col. 33 lines 61-65), in the teachings of the commerce server is further adapted to receive an acceptance of the on-line group-buying offer at a price and to transmit the acceptance at the price to the buyer, and displaying the current bid and any other real-time parameters of the auction that are deemed necessary to present to a shopper; and

- receiving online group-buying offers from the buyers to purchase the product; and executing an on-line group-guying sale of the product at a same price (col. 29 lines 28-37).

11.   Claims 6, 53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. and Halbert et al., as applied to claims 1 and 50 above, and further in view of Shkedy (U.S. Patent No. 6,260,024).

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and

use of networked Trusted Electronic Communities, hereafter referred to as E-Metro

communities, where each E-Metro community comprises several members meeting

common admission requirements. Preferably, it is the E-metro community that sets

registration rules and verifies member identity itself or facilitates the use of other trusted

Certificate Authorities. The informational identity of each member is encapsulated

within the E-metro community as electronic personal information agents, hereafter

referred to as E-PIAs, with each E-PIA representing a member's information and

behavior, with some of the information supplied by each member and some of the

information coming from trusted sources external to the member's E-metro Community.

(col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as

buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context.

The E-Broker handles various public services and interactions directly on behalf of the

E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Halbert et al. presents a dynamic market equilibrium management system that is

especially adapted for the sale of goods and services through an online buying group

(referred to herein as a "co-op`) formed for the specific purpose of purchasing a

particular product at (102) by defining a start time, end time, critical mass, any minimum

number of units offered, any maximum number of units offered, starting price and

product cost curve. As data is gathered from buyers, by means of their making binding

purchase offers, the co-op is modified at (108) using the market equilibrium manager,

so as to take into account market forces such as supply and demand for the item to be

sold and their interrelationship with the purchase price for such item.

Shkedy discloses systems and methods for providing a global bilateral buyer-

driven system for creating binding contracts by incorporating various methods of

communication, commerce and security for the buyers and the sellers. Individual

buyers' purchase requirements are aggregated into a single collective purchase

requirement and sellers are located willing to bid on the collective purchase

requirement. A central controller facilitates the buyer/seller transaction by fielding

binding offers from buyers, aggregating those offers into group (i.e. pooled) offers and

communicating those group offers globally in a format which can be efficiently accessed

and analyzed by potential sellers. This system can also effectuate performance of

resulting contracts, resolve disputes arising from those contracts, and maintain billing,

collection, authentication, and anonymity. The methods disclosed are applicable to any

commerce situation involving buyers and sellers. (Abstract)

Examiner will not necessarily repeat this data in the rejection of specific claims

below, but it is to be understood that this referenced data is encompassed as needed in

the following rejection.

Claim 6.   O'Neil discloses orders are revocable orders in the disclosure of canceling

the order so that it will not be fulfilled (col. 29 lines 37-42). Neither O'Neil nor Halbert et

al. explicitly disclose transmitting a message to the buyers stating that subsequently

received offers from the buyers will be treated as irrevocable; nor receiving further

communications from the buyers, wherein at least some of the communications contain
irrevocable offers. However, O'Neil does disclose receiving communications from
buyers that may contains offers, fulfilling orders, and communicating order status to
buyers. Also, Shkedy discloses receiving orders from buyers that are binding on the
buyer (col. 5 lines 43-48). Therefore, it would have been obvious to one skilled in the
art at the time the invention was made to modify the teachings of O'Neil and Halbert et
al. to specifically disclose transmitting a message to the buyers stating that
subsequently received offers from the buyers will be treated as irrevocable, and
receiving further communications from the buyers, wherein at least some of the
communications contain irrevocable offers, as disclosed by the combination of O'Neil
and Shkedy, for the motivation of communicating information between the seller and the
buyers to provide orders and status information on the orders and maintaining
profitability of the invention.

Claim 53.   Neither O'Neil nor Halbert et al. explicitly disclose the message receiver
and transmitter is configured to process buyer communications using at least one of a
chat format, an auditorium chat format, a threaded message/newsgroup format, and a
message board format; nor the buyer format request is one of a chat format, an
auditorium chat format, and a threaded message format. However, Shkedy discloses
the message receiver and transmitter is configured to process buyer communications
using at least one of a chat format, an auditorium chat format, a threaded
message/newsgroup format, and a message board format, and the buyer format

request is one of a chat format, an auditorium chat format, and a threaded message format. (Abstract). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of O'Neil and Halbert et al. to explicitly configure the message receiver and transmitter to process buyer communications using at least one of a chat format, an auditorium chat format, a threaded message/newsgroup format, and a message board format, and the buyer format request is one of a chat format, an auditorium chat format, and a threaded message format, as disclosed by Shkedy, for the motivation of providing messaging compatibility using old and well known message formats in support of selling featured items/products.

Claim 55.   O'Neil et al. discloses the electronic network is at least one of a cable network, the Internet, and the public switched telephone network (col. 1 lines 9-21).

12.   Claims 97-102, 104, 107, 110, and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. and Halbert et al., and further in view of and Official Notice.

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and

use of networked Trusted Electronic Communities, hereafter referred to as E-Metro communities, where each E-Metro community comprises several members meeting common admission requirements. Preferably, it is the E-metro community that sets registration rules and verifies member identity itself or facilitates the use of other trusted Certificate Authorities. The informational identity of each member is encapsulated within the E-metro community as electronic personal information agents, hereafter referred to as E-PIAs, with each E-PIA representing a member's information and behavior, with some of the information supplied by each member and some of the information coming from trusted sources external to the member's E-metro Community. (col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context. The E-Broker handles various public services and interactions directly on behalf of the E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Halbert et al. presents a dynamic market equilibrium management system that is especially adapted for the sale of goods and services through an online buying group (referred to herein as a "co-op`) formed for the specific purpose of purchasing a particular product at (102) by defining a start time, end time, critical mass, any minimum number of units offered, any maximum number of units offered, starting price and product cost curve. As data is gathered from buyers, by means of their making binding purchase offers, the co-op is modified at (108) using the market equilibrium manager,

so as to take into account market forces such as supply and demand for the item to be sold and their interrelationship with the purchase price for such item.

Examiner will not necessarily repeat this data in the rejection of specific claims below, but it is to be understood that this referenced data is encompassed as needed in the following rejection.

Claims 97-101, 104, 107, 110, 113.   Neither O'Neil et al. nor Halbert et al. explicitly teach a first display area for displaying a description of a product offered in an online group-buying sale provided by the on-line group-buying commerce system; a second display area for receiving a selection indicating an offer to purchase the product; a third display area displaying real-time messages sent by buyers and a seller related to the product; and a fourth display area displaying an input interface in which a user may enter a message related to the product to be displayed in the second display area; the first, second, third, and fourth display areas concurrently displayed in the graphical user interface; the first display area is configured to display at least two different prices for the product during the on-line group-buying sale; a fifth display area for displaying a demand curve generated based on offers for the product, the fifth display area concurrently displayed with the other display areas; a fifth display area for displaying a summary of on-line group-buying offers for the product, the fifth display area concurrently displayed with the other display areas; nor a display for displaying one of a representation of a zoom, modify, update, refresh, or accept function. However, Official Notice is taken that the use of windows and windowing techniques on computer

displays and screens was old and well known in the art at the time the invention was made. An example of these techniques is the Microsoft Windows operating system and program. Since it's invention, Microsoft Windows has allowed the use of multiple simultaneous windows, defined by the user or system applications, exhibiting application data as designated by the user or system applications, to be displayed on the screen/display. Microsoft Windows is now the predominant IBM (and IBM-clone) desktop computer operating system. Additionally, Microsoft Windows makes use of multiple templates (or formatted screen panels overlaid on the screen) to view, edit and update databases. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of O'Neil et al. and Halbert et al. to explicitly teach a plurality of display areas that may be used to provide capabilities for displaying and manipulating various data for the invention to/by the user, as disclosed by old and well known art, for the motivation of presenting information relating to an on-line group-buying commerce system.

Claim 102.   O'Neil does not explicitly teach an interface by which wherein an user may make a selection indicating a request from a buyer to communicate directly with the seller. However, O'Neil teaches:

-       an interface by which wherein an user may make a selection of an activity (col. 10 lines 56-60); and

-       *At this point there is a going-concern E-metro community with active members. Members can take advantage of E-metro community services, communicate with other*

members, or create an E-AutoPIA that can go out and browse other E-Communities.

(col. 23 lines 17-21)

These teachings encompass applicant's claimed aspect of an interface by which wherein an user may make a selection indicating a request from a buyer to communicate directly with the seller.

13.   Claims 82, 84-85, 92, 94-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. and Halbert et al. as applied to claims 77 and 87 above, and further in view of Van Horn et al. (U.S. Patent No. 6,631,356).

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and use of networked Trusted Electronic Communities, hereafter referred to as E-Metro communities, where each E-Metro community comprises several members meeting common admission requirements. Preferably, it is the E-metro community that sets registration rules and verifies member identity itself or facilitates the use of other trusted Certificate Authorities. The informational identity of each member is encapsulated within the E-metro community as electronic personal information agents, hereafter referred to as E-PIAs, with each E-PIA representing a member's information and behavior, with some of the information supplied by each member and some of the

information coming from trusted sources external to the member's E-metro Community.

(col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as

buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context.

The E-Broker handles various public services and interactions directly on behalf of the

E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Halbert et al. presents a dynamic market equilibrium management system that is

especially adapted for the sale of goods and services through an online buying group

(referred to herein as a "co-op`) formed for the specific purpose of purchasing a

particular product at (102) by defining a start time, end time, critical mass, any minimum

number of units offered, any maximum number of units offered, starting price and

product cost curve. As data is gathered from buyers, by means of their making binding

purchase offers, the co-op is modified at (108) using the market equilibrium manager,

so as to take into account market forces such as supply and demand for the item to be

sold and their interrelationship with the purchase price for such item.

Van Horn teaches an online buying group (referred to herein as a "co-op") that is

formed for the specific purpose of purchasing a particular product at (102) by defining a

start time, end time, critical mass, any minimum number of units offered, any maximum

number of units offered, starting price and product cost curve. As data is gathered from

buyers, by means of their making binding purchase offers, the co-op is modified at (108)

using a pricing tool, so as to take into account for this market data in the definition of the

price curve. A buyer chooses a product co-op of interest at (114). The buyer is

presented with the following essential co-op information: current price, closing time, next

price level (as defined by a price curve visibility window and the price curve) sufficient to

entice the buyer to make an offer. Once a buyer has made up his mind, the decision

must be made at (116) to offer a purchase price which includes the current price,

guaranteeing availability if critical mass has been achieved, or to make an offer at a

lower price range that can be accepted only if the co-op price drops to that level, which

may not occur.

Examiner will not necessarily repeat this data in the rejection of specific claims

below, but it is to be understood that this referenced data is encompassed as needed in

the following rejection.

Claims 82, 84, 92, 94.   Neither O'Neil nor Halbert et al. explicitly teach the display

interface is further adapted to display a demand curve for the product representing a

plurality of prices of the product associated with a plurality of quantities of the product,

nor an offer curve for the product including a price axis and a quantity axis wherein the

curve is determined by the seller before an on-line group-buying sale. However, O'Neil

does teach *Some Advertisers may desire to display real-time information in the*

ProductInfo Runnable such as the current quantity ordered and the total quantity

desired (col. 34 lines 34-36). Additionally, Van Horn et al. teaches price as a function of

the number of units of a product (fig. 6). Therefore, it would have been obvious to one

skilled in the art at the time the invention was made to modify the teachings of O'Neil

and Halbert et al. to explicitly teach the display interface is further adapted to display a

demand curve for the product representing a plurality of prices of the product associated

with a plurality of quantities of the product and an offer curve for the product including a

price axis and a quantity axis wherein the curve is determined by the seller before an

on-line group-buying sale, as taught by Van Horn et al., for the motivation of

encouraging/increasing sales by buyers as the price becomes lower.

Claim 85, 95. Neither O'Neil nor Halbert et al. explicitly teach the curve for the product

represents either of the quantity of product demanded or the number of offers received,

over a fixed interval of time. O'Neil does teach *Some Advertisers may desire to display*

real-time information in the ProductInfo Runnable such as the current quantity ordered

and the total quantity desired (col. 34 lines 34-36). This disclosure encompasses

applicant's claimed aspect. Additionally, Van Horn et al. teaches:

-       the curve for the product represents either of the quantity of product demanded

or the number of offers received (fig. 9), as taught by Van Horn in the "committed bids"

graph, and

-       over a fixed interval of time (col. 6 line 66 – col. 7 line 9).

Therefore, it would have been obvious to one skilled in the art at the time the

invention was made to modify the teachings of O'Neil and Halbert et al. to explicitly

teach the curve for the product represents either of the quantity of product demanded or

the number of offers received, over a fixed interval of time, as taught by Van Horn, for

the motivation of encouraging/increasing sales by buyers and price modification by

sellers.

14.   Claims 81, 91 and 121 are rejected under 35 U.S.C. 103(a) as being

unpatentable over O'Neil et al. and Halbert et al. as applied to claims 77, 87 and 117

above, and further in view of Blinn et al. (U.S. Patent No. 5,999,914).

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line

group-buying sale having one or more featured items in the disclosure of its networked

Trusted Electronic Communities. Specifically, this invention facilitates the formation and

use of networked Trusted Electronic Communities, hereafter referred to as E-Metro

communities, where each E-Metro community comprises several members meeting

common admission requirements. Preferably, it is the E-metro community that sets

registration rules and verifies member identity itself or facilitates the use of other trusted

Certificate Authorities. The informational identity of each member is encapsulated

within the E-metro community as electronic personal information agents, hereafter

referred to as E-PIAs, with each E-PIA representing a member's information and

behavior, with some of the information supplied by each member and some of the

information coming from trusted sources external to the member's E-metro Community.

(col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as

buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context.

The E-Broker handles various public services and interactions directly on behalf of the

E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Halbert et al. presents a dynamic market equilibrium management system that is

especially adapted for the sale of goods and services through an online buying group

(referred to herein as a "co-op`) formed for the specific purpose of purchasing a

particular product at (102) by defining a start time, end time, critical mass, any minimum

number of units offered, any maximum number of units offered, starting price and

product cost curve. As data is gathered from buyers, by means of their making binding

purchase offers, the co-op is modified at (108) using the market equilibrium manager,

so as to take into account market forces such as supply and demand for the item to be

sold and their interrelationship with the purchase price for such item.

Blinn et al. teaches an electronic promotion system apparatus and method that

provide promotions across a computer network. The promotion system includes a

shopper browser communicating with a merchant server. A shopper places an order

using the shopper browser. The order is received by the merchant server. A

purchasing pipeline executing in the merchant server process the order.

Examiner will not necessarily repeat this data in the rejection of specific claims

below, but it is to be understood that this referenced data is encompassed as needed in

the following rejection.

Claims 81, 91, 121. Neither O'Neil nor Halbert et al. explicitly teach the display interface

is further configured to receive an instruction from the seller modifying the product

during the on-line group-buying sale by adding at least one of a good and a service to

the product. However, Blinn teaches the display interface is further configured to

receiving an instruction from the seller modifying the product during the on-line group-buying sale by adding at least one of a good and a service to the product (col. 16 line 65 - col. 17 line 7). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of O'Neil and Halbert et al. to explicitly receive an instruction from the seller modifying the product during the on-line group-buying sale by adding at least one of a good and a service to the product, as taught by Blinn, for the motivation of encouraging/increasing sales and disposing of goods that are potentially slow movers/sellers.

15.   Claims 79, 89 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al and Halbert et al. as applied to claim77, 87 and 117 above, and further in view of Pallakoff (U.S. Patent No. 6,269,343).

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and use of networked Trusted Electronic Communities, hereafter referred to as E-Metro communities, where each E-Metro community comprises several members meeting common admission requirements. Preferably, it is the E-metro community that sets registration rules and verifies member identity itself or facilitates the use of other trusted Certificate Authorities. The informational identity of each member is encapsulated

within the E-metro community as electronic personal information agents, hereafter

referred to as E-PIAs, with each E-PIA representing a member's information and

behavior, with some of the information supplied by each member and some of the

information coming from trusted sources external to the member's E-metro Community.

(col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as

buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context.

The E-Broker handles various public services and interactions directly on behalf of the

E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Halbert et al. presents a dynamic market equilibrium management system that is

especially adapted for the sale of goods and services through an online buying group

(referred to herein as a "co-op`) formed for the specific purpose of purchasing a

particular product at (102) by defining a start time, end time, critical mass, any minimum

number of units offered, any maximum number of units offered, starting price and

product cost curve. As data is gathered from buyers, by means of their making binding

purchase offers, the co-op is modified at (108) using the market equilibrium manager,

so as to take into account market forces such as supply and demand for the item to be

sold and their interrelationship with the purchase price for such item.

Pallakoff teaches a method and system that allows sellers to communicate

conditional offers to potential buyers. The conditions include prices that depend on the

aggregate amount of goods or services that buyers collectively agree to purchase by a

given time and date. The invention facilitates "demand aggregation", that is,

aggregating demand by potential buyers (who may or may not know each other), for products offered by sellers. This invention allows sellers conveniently to offer "Demand-Based Pricing", that is, prices which go down as the volume of units sold in any given offer goes up.

Examiner will not necessarily repeat this data in the rejection of specific claims below, but it is to be understood that this referenced data is encompassed as needed in the following rejection.

79, 89, 119: Neither O'Neil nor Halbert et al. explicitly teach receiving a first price at a first quantity and a second price at a second quantity wherein the first price is higher than the second price and the first quantity is lower than the second quantity. However, Pallakoff teaches receiving a first price at a first quantity and a second price at a second quantity wherein the first price is higher than the second price and the first quantity is lower than the second quantity (fig. 2 [24]). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the inventions of O'Neil and Halbert et al. to explicitly receive a first price at a first quantity and a second price at a second quantity wherein the first price is higher than the second price and the first quantity is lower than the second quantity, as taught by Pallakoff, for the motivation of encouraging increased sales to buyers through price savings and increased profit to sellers through increased/quantity sales.

Response to Arguments

16.   Applicant's arguments with respect to claims 1-76 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Forest Thompson Jr. whose telephone number is (703)

306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

FT
04/07/2004

Jeffrey A. Smith
Primary Examiner